

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

DION PERALTA DURAN,) Case No. 5:23-cv-00106-AB-JDE
Plaintiff,)
v.) ORDER ACCEPTING FINDINGS
COUNTY OF RIVERSIDE, et al.,) AND RECOMMENDATION OF
Defendants.) UNITED STATES MAGISTRATE
) JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file, including the First Amended Complaint (Dkt. 20, “FAC”) filed by Dion Peralta Duran (“Plaintiff”); Plaintiff’s Motion for Leave to Amend FAC, with a lodged proposed Second Amended Complaint (Dkt. 70, “Motion”; Dkt. 70-1, “SAC”); the briefing orders regarding the Motion issued the assigned magistrate judge (Dkt. 72, 77); and the Report and Recommendation of the assigned magistrate judge (Dkt. 80, “Report”). No party filed timely objections to the Report. The Report is approved and accepted.

IT IS HEREBY ORDERED that:

(1) Plaintiff's Motion (Dkt. 70) is granted in part and denied in part as follows:

- 1 a. The Motion is GRANTED to the extent Plaintiff seeks to clarify
 - 2 his existing claims against existing Defendants;
 - 3 b. The Motion is DENIED in all other respects; and
 - 4 c. Based on the foregoing, the SAC is the operative pleading in
 - 5 accordance with the Report, with Claims Three and Four in the
 - 6 SAC stricken, and the Clerk is directed to file the SAC on the
 - 7 docket;
- 8 (2) The existing defendants are ordered to answer the SAC, as limited
- 9 herein, within 21 days from the date of this Order.

10 IT IS SO ORDERED.

11 Dated: December 3, 2024



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13 ANDRÉ BIROTTE, JR.
14 United States District Judge
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